

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Century Aluminum of South Carolina, Inc.,	)	Civil Action No. 2:17-cv-274-RMG
	)	
Plaintiff,	)	
	)	
vs.	)	<b>DEFENDANT SOUTH CAROLINA</b>
	)	<b>PUBLIC SERVICE AUTHORITY'S</b>
	)	<b>MOTION TO DISMISS</b>
South Carolina Public Service Authority,	)	
	)	
<u>Defendant.</u>	)	

The undersigned counsel for Defendant South Carolina Public Service Authority (“Santee Cooper” or the “Authority”), respectfully moves this Court for dismissal of this action pursuant to Rule 12(b)(6) of the Federal Rule of Civil Procedure for failure to state a claim upon which relief may be granted for the following reasons:

- (1) The state action immunity doctrine established in *Parker v. Brown*, 317 U.S. 341 (1943), immunizes the Authority from federal and state antitrust claims;
- (2) Tying is not possible as a matter of law under South Carolina’s regulated retail electric service market; and
- (3) The South Carolina Unfair Trade Practices Act does not apply to public entities or to actions permitted by state law.

In support of its Motion, the Authority incorporates the accompanying memorandum.

*[signature page attached]*

Respectfully Submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

/s/ Carmen Harper Thomas

B. Rush Smith III

Federal Bar No. 5031

E-Mail: rush.smith@nelsonmullins.com

William C. Hubbard

Federal Bar No. 1988

E-Mail: william.hubbard@nelsonmullins.com

A. Mattison Bogan

Federal Bar No. 9826

E-Mail: matt.bogan@nelsonmullins.com

Carmen Harper Thomas

Federal Bar No. 10170

E-Mail: carmen.thomas@nelsonmullins.com

1320 Main Street / 17th Floor

Post Office Box 11070 (29211-1070)

Columbia, SC 29201

(803) 799-2000

J. Michael Baxley

Senior Vice President and General Counsel

Federal Bar No. 1248

E-Mail: mike.baxley@santeecooper.com

South Carolina Public Service Authority

Post Office Box 294601

Moncks Corner, SC 29461

843.761.7044

LOEB & LOEB L.L.P.

Richard M. Lorenzo

901 New York Avenue, N.W.

Suite 300 East

Washington, D.C. 20001

(202) 618-5005

E-Mail: rlorenzo@loeb.com

(pro hac vice to be submitted)

*Attorneys for South Carolina Public Service Authority*

Columbia, South Carolina

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